UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

GUSTAVO NAVARRETE,	)	
	)	
PLAINTIFF,	)	
	)	Cause #:
v.	)	
	)	
MADISON COUNTY SHERIFF'S OFFICE,	)	Jury Trial Requested
	)	
	)	
Serve at: 157 North Main Street	)	
Edwardsville, IL 62025	)	
	)	
	)	
DEFENDANT.	)	

COMPLAINT

COMES NOW Plaintiff, Gustavo Navarrete, by and through counsel, and for his Complaint against Defendant, Madison County Sheriff's Office, states as follows:

FACTS COMMON TO ALL COUNTS

1. That at all times relevant to this cause of action Defendant, Madison County Sheriff's Office, is located in the State of Illinois, and at all relevant times its workers were employees and agents of Defendant.

2. That at all times relevant to this cause of action Plaintiff was a resident of Granite City, Illinois, and a citizen of the State of Illinois and the Southern District of Illinois.

3. Plaintiff is a Hispanic male and was hired by the Defendant on December 28, 1998.

4. On or about January 29, 2016, Plaintiff filed a complaint for discrimination, which was filed with the Illinois Commission on Human Rights and the EEOC.

5. The complaint for discrimination alleged discrimination based upon Plaintiff's National Origin.

6. Thereafter, Plaintiff was terminated from his position as a Jailer with the Defendant on February 1, 2016, for pretextual reasons.

7. That the EEOC issued a Right to Sue Letter on January 11, 2017, for EEOC Charge Number 560-2016-00735.

8. On or about January 22, 2017, Plaintiff filed a second complaint for discrimination, which was also filed with the Illinois Commission on Human Rights and the EEOC.

9. The second complaint for discrimination alleged retaliation against the Plaintiff based upon the termination of his employment.

10. That the EEOC issued a second Right to Sue Letter on February 10, 2017, for EEOC Charge Number 560-2017-00465.

COUNT I

DISCRIMINATION
(NATIONAL ORIGIN)

11. The Plaintiff hereby adopts paragraphs 1 through 10 of the Complaint.

12. Plaintiff, a Hispanic male, was employed as a Jailer for the Defendant with a satisfactory job performance history.

13. Plaintiff was required to translate for all of the Spanish speaking inmates in the Madison County Jail.

14. Plaintiff was not hired to translate Spanish and he did not disclose his ability to speak Spanish prior to his hiring by the Defendant.

15. Plaintiff notified his supervisor of the discriminatory behavior on multiple occasions, yet he was directed to continue to translate.

16. Plaintiff was terminated from his position as a Jailer with the Defendant on February 1, 2016.

17. Defendant's conduct was unreasonable, highly offensive and brought shame upon the Plaintiff.

18. Plaintiff's National Origin was a factor with regard to his improper treatment and subsequent termination.

18. Plaintiff has been financially and emotionally damaged as a result of said conduct.

19. Defendant's conduct was intentional, knowing, willful and malicious, and warrants an award of punitive damages.

WHEREFORE, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, in excess of Seventy-Five Thousand Dollars ($75,000.00), together with her costs expended herein.

COUNT II

RETALIATORY DISCHARGE

20. The Plaintiff hereby adopts paragraphs 1 through 19 of the Complaint.

21. On or about January 29, 2016, Plaintiff filed a complaint for discrimination, which was filed with the Illinois Commission on Human Rights and the EEOC.

22. Thereafter, in retaliation, Plaintiff was terminated from his position as a Jailer with the Defendant on February 1, 2016, for filing a complaint for discrimination based upon Plaintiff's National Origin.

23. Plaintiff has a property interest in both his employment and his reputation.

24. Plaintiff relied on his status as a public employee, together with the disciplinary procedures and protections in place.

25. Plaintiff has been financially and emotionally damaged by Defendant's conduct.

26. Defendant's conduct was intentional, knowing, willful and malicious, and warrants an award of punitive damages.

WHEREFORE, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, in excess of Seventy-Five Thousand Dollars ($75,000.00), together with her costs expended herein.

COUNT III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

27. The Plaintiff hereby adopts paragraphs 1 through 26 of the Complaint.

28. The actions of the Defendant, including the termination of Plaintiff, have been outrageous and intentional, causing severe emotional distress to Plaintiff.

29. Defendant knew or reasonably should have known these actions would cause great emotional distress, cause her to lose sleep and cause additional anguish.

30. Plaintiff has been financially and emotionally damaged by Defendant's conduct.

31. Defendant's conduct was intentional, knowing, willful and malicious, and warrants an award of punitive damages.

WHEREFORE, Plaintiff prays judgment against Defendant in an amount that is fair and reasonable, in excess of Seventy-Five Thousand Dollars ($75,000.00), together with her costs expended herein.

Respectfully submitted,

HOFFMAN & SLOCOMB

/s/ Paul Slocomb
Paul Slocomb, IL Bar #: 6226129
1115 Locust Street, 4th Floor
St. Louis, MO 63101
(314) 436-7800
(314) 231-0323 FAX
paulslocomb@yahoo.com

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Gustavo Navarrete**
405 Randle Street
Edwardsville, IL 62025

From: **St. Louis District Office**
1222 Spruce Street
Room 8.100
Saint Louis, MO 63103

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
560-2016-00735	**Tonya R. Hauert, Investigator**	**(314) 539-7930**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

[X] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

JAN 11 2017

James R. Neely, Jr.,
Director

(Date Mailed)

Enclosures(s)

cc:

Jeff Connor
Chief Deputy Sheriff
MADISON COUNTY SHERIFFS OFFICE
405 Randle St
Edwardsville, IL 62025

Mathew E. Hoffman
HOFFMAN & SLOCOMB, LLC
1115 Locust Street, 4th Floor
Saint Louis, MO 63101

Heidi Eckert
222 South Central
Suite 900
Clayton, MO 63105

EEOC Form 161 (11/16) U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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To: **Gustavo Navarrete**
115 Emerald Way E
Granite City, IL 62040

From: **St. Louis District Office**
1222 Spruce Street
Room 8.100
Saint Louis, MO 63103

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On behalf of the Commission

Enclosures(s)

James R. Neely, Jr., Director

2/10/17
(Date Mailed)

cc:

Jeff Connor
Chief Deputy Sheriff
MADISON COUNTY SHERIFF
405 Randle St
Edwardsville, IL 62025

Matthew Hoffman
HOFFMAN & SLOCUMB, LLC
1115 Locust Street, 4th Floor
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